

REMARKS/ARGUMENTS

In the Office Action dated April 6, 2006, Claims 1-2, 7-9 and 11-28 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 3-6, and 21-24 were rejected under 35 U.S.C. §112, second paragraph as being indefinite.

35 U.S.C. §101 Rejections

Applicants respectfully submit that, Claims 1-2, 7-9 and 11-28, as amended, are directed to statutory subject matter.

Independent Claims 1, 7, 11, 15, 21 and 25 have been amended to include a “rendering” step or component, such that the cross-faded combined samples (or other cross-faded audio data) are rendered as a post-computer useful, tangible concrete result. Accordingly, with regard to amended Claims 1, 7, 11, 15, 21 and 25, and all the claims dependent therefrom (Claims 2, 8-9, 12-14, 16-20, 23-24 and 26-28) are now in condition for allowance.

35 U.S.C. §112, Second Paragraph Rejections

Applicants respectfully submit that, Claims 3-6 and 21-24, as amended, are no longer indefinite.

Independent Claims 3 and 21 have been amended to remove the ambiguous language and to more particularly point out the claimed invention. Accordingly, with regard to amended Claims 3 and 21 and all the claims dependent therefrom (Claims 4-6 and 22-24) are now in condition for allowance.

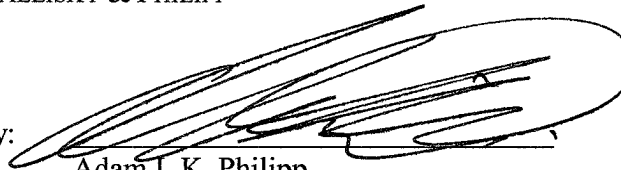
CONCLUSION

Applicants submit that all pending claims are in condition for allowance. Accordingly, early and favorable action allowing all of the pending claims and passing this application to issue is respectfully requested. The Examiner is respectfully requested to contact the undersigned at the telephone number below if there are any remaining questions regarding this application.

Respectfully submitted,
HALLISKY & PHILIPP

Date: August 7, 2006

by:

A handwritten signature in black ink, appearing to read 'Adam L.K. Philipp', enclosed within a large, loopy oval shape.

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